



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDL
F.#2011R00343

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 18, 2011

BY FEDERAL EXPRESS AND ECF

Paul S. Kish, Esq.
Kish & Lietz, P.C.
225 Peachtree Street, N.E.
1700 South Tower
Atlanta, GA 30303

Re: United States v. Pauline Wiltshire
Criminal Docket No. 11-164 (DLI)

Dear Mr. Kish:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, please find enclosed with this letter discovery in the above-referenced matter. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendant

Enclosed please find a redacted Report of Investigation reflecting statements made by the defendant to United States Customs and Border Protection officers prior to her arrest and statements made to Drug Enforcement Administration ("DEA") special agents after her arrest, Bates-numbered 1.

Enclosed please find a redacted Report of Investigation detailing e-mail correspondence between the defendant and a DEA special agent acting in an undercover capacity, Bates-numbered 2 through 6.

Enclosed please find a compact disc containing a file titled "20101027 Petrolio Emails (Video).avi" containing further e-mail correspondence between the defendant and the undercover DEA agent.

2. Prior Criminal History

At present, the government is not aware of any criminal history for the defendant.

3. Documents and Tangible Objects

The government is in possession of 11 Adderall 30 mg tablets and the package in which the tablets were mailed. The government hereby produces a photograph of the tablets.

The government is also in possession of a laptop computer, a United States passport, and a cellular telephone seized from the defendant at the time of her arrest.

Enclosed on the compact disc discussed in Section 1 above please also find copies of prescriptions, a spreadsheet summarizing the prescription information, eBay records, and PayPal records.

You may call me to arrange a mutually convenient time to inspect and/or photograph these items.

4. Reports of Examinations and Tests

The government hereby produces a redacted copy of a laboratory report regarding the narcotics seized in this case, Bates-numbered 7. The government will provide you with copies of any additional reports of examinations or tests as they become available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert that the government intends to call at trial and providing you with the expert's credentials and a summary of the expert's opinion.

At present, the government intends to call an expert at trial to testify that the substance received by the undercover DEA special agent tested positive for amphetamine. The expert will also testify about the retail and black market value of the seized narcotics.

The expert's identity, qualifications, and the bases for his or her conclusions will be provided to you when they become available.

6. Brady Materials

The government is unaware of any exculpatory material regarding the defendant in this case. The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to

use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any further question or request, please do not hesitate to contact me. The government will supplement this letter as appropriate.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/ Justin D. Lerer
Justin D. Lerer
Assistant United States Attorney
(718) 254-6124

Enclosures

cc: Clerk of Court (DLI) (w/o enclosures)